

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:14-CV-133-FL

TIMOTHY P. DANEHY,

Plaintiff,

v.

TIME WARNER CABLE ENTERPRISES
LLC,

Defendant.

DECLARATION OF JOEL SPIRO

Joel Spiro hereby deposes and says:

1. I am over the age of 18 years and am under no disability which would prevent me from testifying competently to the matters set forth herein. I have personal knowledge of the facts stated herein or rely on regularly maintained business records of TWC.

2. Since 2012, I have served as a Project Manager for Time Warner Cable Inc. ("TWC"). In this capacity, I lead project teams focused on, among other TWC priorities, process operations, statistical analysis, and technical operations. Prior to being promoted to Project Manager, I served TWC as an Operations Engineering Associate and then as a Process Operations Specialist. I have worked at TWC since graduating in 2006 from the University of Southern California with a degree in Industrial Engineering.

3. It is important to TWC and its customers that TWC be as efficient as possible in sending its technicians to customers' homes. This allows TWC to offer shorter appointment windows, schedule more appointments, and minimize the time its customers need to wait for an appointment. TWC has found that one way to increase this efficiency is to call customers to remind them of their appointment. This ensures that customers are ready when TWC employees

arrive at their house and eliminates a lot of wasted time and the need to reschedule appointments. TWC has over 1.8 million residential appointments in North Carolina per year. The best way to remind customers of their upcoming appointments is through calls made through a computerized system. To ensure that TWC customers are aware of and consent to these calls, TWC residential customers enter into a Residential Services Subscriber Agreement that includes the following language:

12. You are Consenting to Phone and Email Contact

(a) Phone Calls. We may call or text you or authorize others to call or text you on our behalf using any number you provide to us (or that we issue to you) for any purpose, including marketing of our Services. ... However, if you ask to have your number placed on our “do not call” list, we will not call or text you (or authorize others to call or text you) at that number for marketing purposes. To have your number placed on our “do not call” list, contact your local TWC office.

(b) Robo-Calls. We (or persons acting on our behalf) may use automated dialing systems or artificial or recorded voices to contact you or leave you messages if you do not answer.

4. Based on my review of TWC’s business records, in particular its system software for tracking customer account information, an individual established a cable account with TWC for his residence on Lees Crossing Drive in Charlotte, North Carolina, on April 11, 2009 (“TWC’s Customer”). TWC’s Customer remains a customer of TWC, and his account number is 5710XXX-03.

5. At the time he established his account with TWC, TWC’s Customer listed two telephone numbers at which TWC could contact him regarding his account: a primary number of 980-219-XXXX; and a secondary number of 704-421-6235. TWC’s Customer used both numbers both call TWC and receive calls from TWC from 2009 until 2013 regarding payment and service issues.

6. On November 25, 2013, TWC's Customer upgraded his account to include high speed internet services and requested TWC schedule a service visit at his residence the following day to perform the upgrade.

7. TWC was not informed that TWC's Customer no longer had telephone number 704-421-6235 until December 2013.

8. Since 2007, TWC has contracted with SkyCreek Corporation to handle outbound calls to customers related to service repair and installation appointments.

9. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this the 13 day of October 2014.


Joel Spiro

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he electronically filed the foregoing document with the Clerk of Court using the CM/ECF system and that he served a copy of the foregoing document on the Plaintiff in this action by placing the same in United States Mail, prepaid postage affixed, addressed as follows:

Timothy P. Danehy
P.O. Box 301
Kittrell, NC 27544
Pro Se Plaintiff

This the 14th day of October 2014.

/s/ D.J. O'Brien III
D.J. O'Brien III